IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE SRI JUSTICE C.V.RAMULU**

**WRIT PETITION No.15960 of 1996**

Between:

1 J.Kesava Reddy, S/o J.narasimha Reddy,
R/o Kallubavi, Adoni.
2 G.Siddanna, S/o Tayappa,
R/o Boyageni, Adoni.
3 H.Hanumanthu, S/o Devanna, r/o Gandhinagar, Adoni.
4 Munsiswamy, S/o late Deena Dayalm,
R/o Rayachoti Ramaiah Labour Colony, Aluru Road, Adoni, Kurnool Dist.
5 G.Devanna, S/o Yallappa,
R/o panjarapall, Alur Road, Adoni, Kurnool Dist.
6 B.Nagaraja, S/o Lakshmanna,
R/o Sadapuram (V), Adoni Mandal, Kurnool Dist.

**..... PETITIONERS**

AND

1 Adoni Cotton Mills ( National Textile Corporation ),

Alur Road, Adoni, Kurnool Dist, rep by its G.M.
2 The Asst.Commissioner of Labour, Adoni,

Kurnool District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondent No.1 in not regularising the services of the petitioners and in not paying the wages on par with regular workers, as illegal, arbitrary and against principles of natural justice and consequently direct the respondent No.1 to regularise the services of the petitioners and to pay them the

wages applicable to the regular employees.

Counsel for the Petitioner: Mr. C.RAMACHANDRA REDDY

Counsel for Respondent No.1: Mr. P.KAMALKAR

Counsel for Respondent No.2: G.P. for Labour

**The Court made the following :**

**O R D E R:**

This writ petition is filed seeking a Mandamus declaring the action of the 1st respondent in not regularizing the services of the petitioners and in not paying wages to them on par with regular workers as arbitrary and illegal and consequently to direct the 1st respondent to regularize the services of the petitioners and to pay them the wages applicable to regular employees.

The case of the petitioners is that even though they are working as Canteen Workers in the canteen attached to the 1st respondent-Mill for the last more than five years continuously, their services have not been regularized. The writ petition has been filed on 5-8-1996. According to the 1st respondent, on 15-12-1996 the canteen was closed in view of the fact that there was restructuring of the staffing pattern and the workload had come down to 250 workers. However, the services of the petitioners were utilized from 15-12-1996 as Badli workers at the gates etc. In the meanwhile, during the pendency of the writ petition, the entire organization was closed after obtaining necessary permission from the Central Government as required under Section 25-O of the Industrial Disputes Act,1947 with effect from 6-5-2002. Therefore, the question of regularizing the services of the petitioners does not arise.

However, it is submitted on behalf of the 1st respondent that Voluntary

Retirement Scheme was introduced and all the employees have offered VRS. Initially, the VRS was evolved, but it did not cover Badli workers. But modified VRS scheme dated 13-2-2002 was also made applicable to casual/temporary (by whatever name called) workers, provided they had worked for a minimum of 240 days in a year (Clause 5.8). Learned counsel for the petitioners submits that his benefit of the modified VRS has not been extended to the petitioners, though, earlier through the Union, the petitioners had offered themselves to be governed by VRS.

In the above circumstances, without going into the merits, the 1st respondent is directed to consider the case of the petitioners for extension of voluntary retirement under the modified scheme dated 13-2-2002, if the same is applicable and the petitioners are eligible, within a period of three months from the date of receipt of a copy of this order. The 1st respondent, however, shall not reject the case of the petitioners only on the ground that they are seeking VRS at a belated stage.

Accordingly, the Writ Petition is disposed of. No costs.

07-12-2004

prk

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The General Manager, Adoni Cotton Mills ( National Textile Corporation ),

Alur Road, Adoni, Kurnool District.

2 The Asst.Commissioner of Labour, Adoni,

Kurnool District.

3. 2CCs to Government Pleader for Labour, High Court Buildings, Hyderabad (OUT)

4. 2CD copies